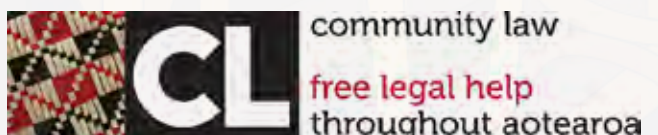


# THE REP: SEX

This education kit will help you facilitate a conversation with young people about their legal rights and responsibilities around sex & health. It includes classroom activities, workshop slides and background legal notes. This workshop is designed to last between 1–1.5 hours.





# How to deliver a REP module

*Use this information to inform your facilitation.*

Kia ora! Thank you for being a REP volunteer. Your participation in The REP will help young Aotearoaians become more aware of their legal rights and responsibilities. By connecting young people with local support services, you will also help build a stronger community for all of us. So... what do you need to know about delivering a module?

## Know your Community Law Centre

- The most important thing about The REP is the connection you can build between members of your community and your local Community Law Centre.
- If a class takes only one thing out of a workshop, it should be that if they have a legal problem they can get help from their local Community Law Centre or YouthLaw.
- Use The REP modules as a way of talking about how Community Law Centres, other community-based services and lawyers can actually help. Learn about local support services available for youth in your area.
- If anyone in your class asks for help or needs legal advice (which you are not allowed to give if you are not a lawyer), direct them to their local Community Law Centre.
- Consider going the extra step: go along with a student to a Community Law Centre so they feel supported.

## Know the audience

- The second most important thing about The REP is that our education is meant to be interactive and fun. Getting your audience to relax and have a laugh is as important, if not more important, than talking about the law.

- Treat this resource as a guide only – try hard to deliver the material in a way that will suit your audience and that your audience will enjoy.
- REP modules are learner-led, so focus on what the class wants to talk about. There is no need to cover all the material in the time you have been given. See where the conversation goes, focus on what the class identifies as being important or relevant, and explore those ideas. Just to repeat: there is no need to get through all the material!

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- Every group you work with will be different, with different levels of knowledge, different needs, and different expectations. Let the group both guide and teach you; work together to build a picture of how the law actually works in New Zealand.
- Try and get to the heart of the matter: talk about the real world, and the greater social implications of the law. You will get much more out of it, and so will your class.

## Know the activities

- In general, everybody likes to know why they are here, whether it's relevant, and how long it will take. Take your time to signpost what the module is going to cover and the activities by explaining or perhaps writing up a short plan on the board.
- These modules are structured so that all the important information can be covered through running the activities. The activities aim to get your class thinking about the issues being discussed and engage with them in a practical way.
- It is important to know and understand the way the activities are run, so you can lead them smoothly and effectively.
- If you can think of more diverse, more engaging and more fun games and exercises, please do. Just make sure you feed these new improved activities to us at The REP.

## Know the law

- You need to be up-to-date with the area of law this module covers.
- That said, you are not expected to know everything! If you don't know an answer, a good technique is to reflect the question to the whole class or say you will find out and let them know. Remember, if you say you will find something out, make sure you do.



- The background material in this guide is to help you learn the law. The Community Law Manual is also a fantastic guide to all the areas of 'community' law. Check out the manual online for the relevant chapters to this module here: [www.communitylaw.org.nz](http://www.communitylaw.org.nz).
- It's always helpful to have some relevant examples up your sleeve of how the law works in practice. If in doubt, check out the news, talk to your friends, family, teachers, or the lawyers and other kaimahi at your local Community Law Centre.

## Know some different teaching styles

- Everybody learns differently. Very few people enjoy being lectured to!
- The activities in this module attempt to cater for different kinds of learners:
  - Some people like to visualise what they're learning (by seeing it written down, making a list or studying an image)
  - Other people need to hear things to take them in (maybe by listening to a story or using rhythm or sound as memory aids)
  - Some people learn by talking (by sharing with a neighbour or taking part in a discussion)
  - Other people prefer to learn while moving around (when up on their feet and active)
  - And others learn with their hands (getting creative, drawing or cutting things out)
- Work hard at improving your own facilitation practice so that everybody can get involved in the class.

## From the outset, it is important to

- Establish a safe space. Be aware that the modules contain sensitive content. The key is how you leave the young people *feeling*, so make sure class members are comfortable at all times.
  - For example, if a young person blushes when answering a question, say "have a think about it" and move on to someone else or if a joke is made about a class member, divert the heat onto yourself
  - If you notice that a young person seems triggered, approach them quietly and one-on-one or flag it with their teacher
- Build rapport with the young people. Be respectful, honest and authentic. Young people have a lot of lived experience, so start with the assumption that they know more than you. If you give them the chance to step up, they will.

- Establish flexibility. There is no 'right' way to facilitate these modules. If the class is only interested in one topic, that's fine. Be responsive to your audiences' needs and their body language.
  - For example, if the energy is flat, mix the games up and start with an activity involving movement or with a pair exercise "talk to your neighbour about..."
- Make participation voluntary. Encourage everyone to be involved, but always ask for volunteers so no one is embarrassed by being singled out. Don't ask the young people to do anything you wouldn't do!
- Work with the teacher. Most classes are likely to have a teacher present during your session so check in before the class starts. If something disruptive happens, ask the teacher to step in.
- Have fun! If you're having fun, the class will have fun. Having funny anecdotes helps the class relate to the content and if the session is fun and interesting, young people are more likely to remember.

## Evaluations

- Getting feedback is essential to improving The REP. Leave enough time at the end of the class to hand out and collect the evaluation forms. And remember to feed this back to us at The REP.
- Don't forget to fill in your facilitation evaluation form!

## Last, but not least...

... Smile! Enjoy yourself, have a laugh, and thanks again for volunteering your time.

## WHAT YOU WILL NEED

- Projector and laptop
- Slides (Ctrl+L for fullscreen)
- Facilitator notes
- Printing materials
  - Activity #2: 1 x per group
  - Activity #3: 1 x per class (cut out before)
  - Evaluations 1 x per class member
- Chocolate
- Community Law Centre flyers

## Student safety

This module contains sensitive content. It's crucial that all participants feel safe during this session. Make sure you begin by explaining to the class that taking time out is okay. Let them know that if something comes up during the session they can speak to their teacher, school counsellor, someone they trust, their local Community Law Centre or YouthLaw. Talk to a teacher before the class starts to find out what support is available to students if required.

# Opening



## THE REP: SEX



### GREETINGS

- “Kia ora, talofa lava, ni hao, hello” (introduce yourself, your name, a bit about yourself).
- “This session is brought to you by the Community Law Centre and The REP: the Rights Education Project”.
- Introduce the Community Law Centre:
  - Community Law Centres provide free legal advice, on most topics. You can see a lawyer, for free, on anything to do with employment, family, criminal, tenancy, debt, and beyond
  - Make sure the class knows where to find their local Community Law Centre and how to contact YouthLaw. For example: “Your nearest Community Law Centre is in Wellington Central at 203 Willis Street on Level 8 or in Lower Hutt at 59 Queens Drive on Level 2. Come in and see us some time!” and “You can call YouthLaw on **0800 UTHLAW (0800 884 529)** to talk to someone who can help!”
  - Community Law Centres are situated throughout New Zealand and you can locate your nearest one at: [www.communitylaw.org.nz/our-law-centres/](http://www.communitylaw.org.nz/our-law-centres/)
- Introduce The REP:
  - We are here to let you know your legal rights and responsibilities. We present the law on a number of areas, but if you have anything you are particularly interested in, we are always open to new ideas!

# Icebreaker



# ICEBREAKER

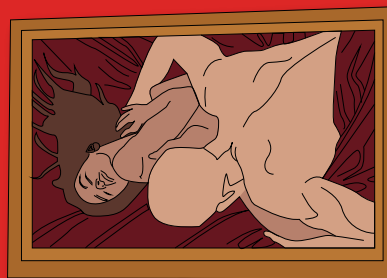
## INSTRUCTIONS

- Talk to a teacher before the class starts to find out what support is available to students if required.  
.....
- This module begins with an 'icebreaker' to make it easier for participants to feel comfortable contributing to the workshop.
- The idea of this icebreaker is to encourage participation and to introduce the class members. Work hard to remember the names of everyone in the class.
- This icebreaker introduces The REP: Sex module by asking the class to say their name and answer a question.
- Ask the class "Name something that begins with the first letter of your name that you could do to be more healthy!"
- Start off by introducing yourself and something you could do to be more healthy.  
.....
- Before you start the next section make sure you say something like:
  - "Today we're going to look at some difficult issues that many young people in Aotearoa face. We're going to talk first about what the law says about consent, then we'll talk a little bit about what you can do when you haven't consented. We'll then talk about pregnancy rights and sexual health.
  - It is very important that everyone feels safe during this session, so taking time out is okay. If something comes up for you during the session, speak to your teacher, school counsellor, someone you trust, your local Community Law Centre or YouthLaw."

## SECTION 1

# Consenting to sex

# CONSENT:



# AGREE OR DISAGREE?

### ACTIVITY #1 INSTRUCTIONS

- Draw an imaginary line from one side of the room to the other.
- One end of the line represents 'AGREE' and the other 'DISAGREE' in response to each question, with 'UNSURE' being in the middle.
- Ask the class members to move to the point on the line to show what they think about each issue. If they are unsure, they can stand in the middle.
- Read out the questions on the next page. After you ask each question, ask the class members to discuss why they chose to stand there with those around them.
- After a minute or two, ask for volunteers from different places on the line to share their answer with the class.
- Reward good contributions to the discussion with chocolate!



## ACTIVITY #1

### Consent



*If someone says they don't want to have sex, it is a crime to have sex with them – no means no!*

**AGREE:** No means no! Always.

*If someone doesn't actually say no, it's okay to have sex with them.*

**DISAGREE:** Just because someone allows sexual activity to happen does not necessarily mean that they have consented. Both partners need to check that the other person really does say, does mean and has capacity to say "yes".

*Just because someone says yes to sex, it still isn't always okay to have sex with them.*

**AGREE:** Ask the group if they can think of any examples. Only ask the questions below for the scenarios the class doesn't identify.

*It is illegal to have sex under the age of 16.*

**AGREE:** If your partner is under 16, you are breaking the law, even if you didn't know!

*If someone is really drunk and says yes to sex, it's okay to have sex with them.*

**DISAGREE:** If someone is really affected by alcohol or drugs, they cannot consent. It's safer for everyone if you don't have sex if someone is drunk, because even if they say yes they may not have consented!

*If someone is sleeping or passed out, it's okay to have sex with them.*

**DISAGREE:** Someone can't consent if they are unconscious or sleeping!



AGREE

UNSURE

DISAGREE

*It's not okay to have sex with someone if you force them or threaten them.*

**AGREE:** It is not consent if someone feels afraid and pressured into having sex.

*If someone consents to oral sex, that means it is okay to go all the way and have penetrative sex with them.*

**DISAGREE:** It is important that there is consent for each different sexual activity that takes place. It's really important that both partners check that the other person is saying yes to everything that happens.

*It's not okay to have sex with someone if they think you are someone else.*

**AGREE:** It is important that the person consenting knows who they are having sex with. For example, if it's dark and a girl thinks that it is her boyfriend who is in the room and she has sex with someone who isn't her boyfriend, this is a crime.

*It's okay to stop having sex at any time!*

**AGREE:** Both partners need to continue to check that consent is still present throughout any and all sexual activity.

*It is okay to take a condom off during sex if the other person doesn't notice.*

**DISAGREE:** 'Stealthing' is when someone removes a condom during sex without consent – if this happens, it is highly possible that there is no longer consent.

.....  
If someone doesn't consent, the consequences are very serious for all people involved. It can be very traumatic for someone who hasn't consented and result in the prosecution of their sexual partner for various sexual crimes, including:

- Rape: must be man on woman, must involve penetration of penis into vagina.
- Unlawful sexual connection: this is not gendered, and does not need to involve penetration.

## LEGAL NOTES

*Learn this information and integrate it into your facilitation. Don't read it out word for word!*

### Consent

- No means no. If a person does not consent to sexual activity, the other person is committing a crime.
- What if a person does not say 'no'? Allowing sexual activity to happen does not necessarily mean that you have consented.
  - If a person allows sex to happen because of force or the threat or reasonable fear of force (against themselves or another person) they have not consented
  - A person does not have to verbally protest or offer physical resistance to show that they have not consented to sexual activity
- There are some situations where there is no consent, even if the person says 'yes':
  - If a person is under 16
  - If a person is so affected by alcohol or drugs that they cannot consent (or refuse to consent)
  - If a person is asleep or unconscious
  - If a person is forced or threatened into saying yes
  - If a person has an intellectual, mental or physical condition which means they do not have the capacity to say 'yes' or 'no'
  - If a person is mistaken about who the other person is
  - If a person says yes to one thing, and something else happens (for example, if someone said yes to touching, but didn't say yes to having sex)
- Both partners need to check that the other person really does say, does mean and has capacity to say 'yes'.
- Both partners need to continue to check that consent is still present throughout any and all sexual activity.
  - 'Stealthing' is when someone removes the condom during sex without consent – if this happens, it is highly possible that there is no longer consent, but this hasn't yet been an issue decided by the court

### Under 16?

- The legal age of consent to sexual intercourse is 16 (The Crimes Act 1961).
- If your partner is under 16, you are breaking the law.
- The main aim here is to protect children from sexual exploitation by adults.

- Even so, if one person is 17 and their partner is 13, and the parents of the 13 year old get worried, they could report the 17 year old to the police. The police would take a range of factors into account before deciding to prosecute such as age gap, maturity, whether there is abuse or a power imbalance to suggest a lack of consent. If the partner was 13, it is likely the police would lay charges.
- It doesn't make a difference if your partner is only two years older than you. There is a common misconception that underage sex is legal, so long as there are only two years between the partners. If you're 16, and he or she is 15, it's illegal. Generally, if you're over 21 and they are under 16, you've committed a serious crime – it's up to you to make sure they are over 16.
  - Interestingly, this idea has been so widespread that Parliament decided to consider the idea, but eventually rejected it
- Police have broad discretion to deal with situations where one or both parties are underage:
- If the police decide not to prosecute, they may give a formal warning or refer the issue to Oranga Tamariki

### Sexual orientation: gay? straight? whatever...

- The 1986 Homosexual Law Reform Act set the age of consent for same sex male couples at 16 (prior to this it was a crime for men to sleep with men).
- It has never been illegal for adult women to sleep with adult women.
- The age limit for girls who sleep with girls is also 16.

### Sexting

- Sexting is another name for sending or receiving nudes. For example:
  - Naked pictures or photos in underwear ('dirty pics')
  - Sexual text messages or videos
- It's never okay for someone to pressure you to send them nudes.
- Once you send an image to someone else, it's difficult to control where it ends up.
- Sometimes people share these intimate images or videos with others without the consent of the person who sent them.
- If you feel uncomfortable about something that has happened to you, talk to someone you trust.

- Netsafe also provides support for issues around online safety:
  - Phone: **0508 NETSAFE (0508 638 723)**
  - Website: [www.netsafe.org.nz](http://www.netsafe.org.nz)
- See The REP: Internet (in development) for more on sexting.

### *Where can you go for help?*

- Learn about local sexual health clinics, student health services and community health services, so you have the best information about accessible health services for youth in your area.
- If you are worried that your or someone else's behaviour might be harmful, or if you think your rights or another's have been violated you can contact the following support services:
- The Harbour provides information and help for people who have been harmed, have caused harm, or are worried about someone they know.
  - Website: [www.theharbour.org.nz](http://www.theharbour.org.nz)
- Rape Prevention Education provides information and referrals to local support services for people who have been harmed, have caused harm, or are worried about someone they know.
  - Website: [www.rpe.co.nz](http://www.rpe.co.nz)
- Sex'n'Respect provides information especially for teenagers about respectful sex and relationships.
  - Website: [www.sexnrespect.co.nz](http://www.sexnrespect.co.nz)
- Better Blokes is a service providing individual and peer support for men affected by sexual abuse.
  - Website: [www.betterblokes.org.nz](http://www.betterblokes.org.nz)
- Gr8 Mates provides information for teenagers supporting friends who have had an unwanted sexual experience.
  - Website: [www.gr8mates.org.nz](http://www.gr8mates.org.nz)
- Youthline is a free 24/7 helpline for youth.
  - Phone: **0800 376 633**
  - Free **TXT 234** (between 8am–midnight)
  - Website: [www.youthline.co.nz](http://www.youthline.co.nz)
- WHAT'S UP is a free counselling helpline (staffed from early afternoon until 10pm) and webchat service for children and teenagers.
  - Phone: **0800 WHAT'S UP (0800 942 8787)**
  - Website: [www.barnardos.org.nz/what-we-do/child-and-family-services/0800-whats-up](http://www.barnardos.org.nz/what-we-do/child-and-family-services/0800-whats-up)
- SAFE is a service providing therapy and treatment for boys and men who have committed harmful sexual behaviour in person or online.
  - Website: [www.safenetwork.org.nz](http://www.safenetwork.org.nz)

## SECTION 2

# Sexual harassment and sexual violence

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## TWO TRUTHS AND A TALE



### ACTIVITY #2 INSTRUCTIONS

- Divide the class into groups and hand out a 'Two truths and a lie' worksheet to each group.
- Explain to the class that there will be four rounds. In each round, the facilitator will read out three statements to the class and each group has to identify which of the three statements is untrue. On the worksheet, cross out the statement that is false.
- The group that identifies the most lies wins chocolate.
- But first, ask the class to turn to the person next to them for the practice round!



## ACTIVITY #2

# Two truths and a tale

### Practice round

- Start by turning to the person next to you. Tell them two true things about you and one false thing. They have to guess which one is the lie! Then swap over...

.....

### The real game...

#### 1. Consent

- a. The age of consent to sexual intercourse is 16
- b. The age of consent is 16, unless there is a two-year maximum age gap between the partners
- c. The age of consent for same-sex couples is 16

**B:** There is a common misconception that underage sex is legal, so long as there are only two years between the partners. If you're 16, and he or she is 15, it's illegal. Generally, if you're over 21 and they are under 16, you've committed a serious crime – it's up to you to make sure they are over 16. Police have broad discretion to deal with situations where one or both parties are underage.

.....

#### 2. Harassment

- a. If someone is sexually harassing you and you feel distressed (such as your workmate telling you dirty jokes at work), this is called sexual harassment
- b. If someone is harassing you and trying to scare you (such as following you home after school), this is called criminal harassment
- c. If someone is harassing you, you just have to put up with it

**C:** No one should have to put up with harassment. If you are being harassed by someone you have not been in a domestic relationship with, you can contact the police or apply for a Restraining Order. If someone is intending to frighten you, they can be prosecuted by the Police!

.....

#### 3. Indecent assault

- a. If someone is wearing a short skirt or low top, they are 'asking for it' and it's okay to touch them
- b. Everyone has the right to wear whatever they want to
- c. If someone doesn't consent to being kissed or caressed, it is a crime to kiss and caress them and called 'indecent assault'

**A:** Whatever they are wearing, they are still not asking for it. For example, a woman at a Reclaim the Night march went to the march naked with a sign that said "STILL NOT ASKING FOR IT". It's important that people are given the choice about what happens to their body, whatever they are wearing.

.....

*continued...*

#### 4. *Sexual violence*

- a. Up to one in three girls and one in seven boys will have been subject to unwanted sexual experiences by the time they are 16 years old
- b. If someone has experienced sexual assault, it's important they tell someone they can trust
- c. There's nothing you can do if you have been the victim of sexual assault

**C:** Sexual violence is a big issue in Aotearoa (and everywhere else in the world, unfortunately). It's important people get support if this has happened to them. There are many options, including:

- Going to a local support organisation.
- Calling a helpline such as 'Safe to Talk' or Victim Support.
- Reporting the crime to the police. It's a good idea to bring a support person.
- Even if you choose not to report the crime, it's a good idea to get a proper medical examination anyway (for evidence, if you ever decide to report the crime later).

## LEGAL NOTES

*Learn this information and integrate it into your facilitation. Don't read it out word for word!*

### Sexual harassment

- Sexual harassment is serious, and no one should put up with it.
- In law, for the behaviour to be 'harassment' rather than just bad taste (for example, a one-off wolf whistle in the street), it has to be something a person does not like which happens more than once, or a one-off thing that is so bad it causes a person long-term distress.
- It doesn't matter what the person who is harassing you thinks, or whether they believe their behaviour is bad enough to be harassment: what's important is how it affects you.
- Examples of sexual harassment:
  - Sexually offensive comments or jokes
  - Repeated calls or emails of a sexual nature
  - Following someone home from work, for example, stalking
  - Offensive hand or body gestures
  - Showing posters or magazines of sexual stuff
  - A promise in exchange for sex, or a threat if you don't do a sexual activity
  - Interfering in a sexual manner with your property
- What can you do?
  - Sexual harassment can be subtle, and can happen over a long period, so it's a good idea for you to write down stuff as it happens and talk it over with someone you trust
  - If you can and it is safe to, tell the person harassing you that you don't like what they are doing and that you want them to stop – otherwise you will do something about it
  - You do not have to confront the harasser if you do not feel confident and safe – you could also write them a letter or ask someone else to tell them to stop

### Restraining orders

- If you feel unsafe for any reason, you should always contact the police.
- If you are being harassed by someone you have not been in a domestic relationship with, you can apply for a restraining order. You only need to show that there was harassment which caused you "distress" (which was reasonable).
- If you are granted a restraining order, they need to stay away from you in accordance with the specific terms of the order

- If the harasser MEANT to cause you to fear for your safety, this is a serious crime called criminal harassment. You can apply for a restraining order for criminal harassment also. If you choose to report it, the police can investigate and charge the harasser.

### Sexual assault

- We want to talk a bit about sexual assault, but not in too much detail – just enough so that everyone's on the same page and can identify what sexual assault is, and what to do about it.
- Sexual violence is a big issue in Aotearoa (and everywhere else in the world, unfortunately).
- You will have seen lots of social media campaigns highlighting this issue, such as the #metoo movement or #yesallwomen.
- Looking at the statistics can show how common and big this problem is. Research suggests that the figures are:
  - Up to one in three girls and one in seven boys will have been subject to unwanted sexual experiences by the time they are 16 years old
  - A third of victims of sexual violence are aged 16 to 19 years old, and over half are under 25 years old
  - Māori girls and women are nearly twice as likely than the general population to be the victims of sexual violence, with Pasifika and migrant women also at a greater risk
  - Only 9 in 100 sexual assaults are likely to be reported (which means 90% of all sexual assault is not reported!), only three of those go to court, and of those three only one will result in a conviction. The reality is that victims of abuse are unlikely to see their abuser go to prison.
  - The majority of offenders are known to the victim – 'total stranger' assaults are just 16% and 'offenders the victim met within the last 24 hours' are another 15%
- There are various sexual crimes, including sexual violation, indecent assault and incest.
  - Sexual violation: encompasses both "rape" and "unlawful sexual connection"
  - Rape: must be man on woman, must involve penetration of penis into vagina
  - Unlawful sexual connection: this is not gendered, and does not need to involve penetration
  - Indecent assault: kissing, caressing or touching any part of someone's body

- Incest or sexual conduct with a dependent family member
- Grooming: if an adult meets up with a young person (under 16) after 'grooming' them online, and intends to commit sexual assault, the meeting itself is a crime
- There are also crimes for attempting any of these behaviours, for example, attempted rape is a crime
- To see if there may be signs of sexual abuse, domestic violence or child abuse in your or a loved one's home, take the quiz at: [www.burstingthebubble.com](http://www.burstingthebubble.com).

## What you can do?

- Tell someone you trust. This can be tremendously hard, but it is really important to seek support.
- Go to a local support organisation – learn about local support agencies so you have the best information about support services available for youth in your area.
- If you have been harmed, there are a number of different services or agencies you can contact:
- Women's Refuge has a 24/7 crisis line for confidential help and there's a lot of information on their website.
  - Phone: **0800 REFUGE (0800 733 843)**
  - Website: [www.womensrefuge.org.nz](http://www.womensrefuge.org.nz)
- Call the sexual harm helpline 'Safe to Talk' for 24/7 free information and support.
  - Phone: **0800 044 334**
  - Txt: **4334**
  - Website: [www.safetotalk.nz](http://www.safetotalk.nz)
- Victims of sexual abuse can call victim support.
  - Phone: 0800 842 846
  - Website: [www.victimsupport.org.nz/get-help/support-after-sexual-violence-or-family-violence](http://www.victimsupport.org.nz/get-help/support-after-sexual-violence-or-family-violence)
- Read the [Rape Survivors Legal Guide](http://www.communitylaw.org.nz) at [www.communitylaw.org.nz](http://www.communitylaw.org.nz).
- You may be eligible for counselling from ACC if you have suffered serious mental injury from the assault.
- Get a Protection Order (see The REP: Whānau for more on Protection Orders).
- Even if you choose not to report the crime, it is worth seriously considering getting a proper medical examination. This can be used for evidence if you ever decide to report the crime later.
  - Some local support agencies can assist with medical examinations, as they can be a very stressful experience

- If you are in immediate danger, call 111 and ask for the police
- You can report the assault to the police:
  - There is no time limit on reporting sexual assault and the police take all reports seriously
  - Nevertheless, the sooner a complaint is made, the easier it is for the police to build a case against the offender
  - It's a good idea for the complainant to bring a support person when they report a crime (the police should also assign a support worker in cases of sexual assault reports)
  - A person can choose to have a medical examination (if it happened recently) for evidence – medical examinations need to be completed as soon as possible (ideally within the first 24 hours but up to 72 hours after the incident)
  - A formal statement will need to be made – this can sometimes be in the form of a video recording of the complaint that can sometimes be used in court instead of the victim having to appear in person (the victim will still be cross-examined by a defence lawyer, even if this is done in an alternative way, for example, from another room via CCTV)
  - The crime is then investigated and, if the police think there is enough evidence, charges will be laid
  - If there is not enough evidence, this does not mean that the police do not believe you!

## Victims' rights

- The victim of a crime has important rights that protect them while they are working with the police, and that also protect them from the offender.
- Victims' rights with the police:
  - An OC (officer-in-charge) will be appointed who is responsible for the case and runs the file
  - The victim is entitled to have a support person at all times
  - The victim is entitled to be treated with courtesy and compassion and have their rights to dignity and privacy respected
  - The police should advise victims of available support services
  - The police should keep the victim informed at all times of progress in the investigation (especially of things like whether charges are laid, whether the offender is likely to get bail or the reasons for not laying charges)



## SECTION 3

# Pregnancy rights

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# PREGNANCY RIGHTS



### ACTIVITY #3 INSTRUCTIONS

- Divide the class into four groups and give each group a 'Pregnancy rights' scenario.
- Ask each group to read their scenario and discuss Mum's rights and Dad's rights.
- Facilitate a group discussion around rights and options for each scenario.
- Reward good contributions to the discussion with chocolate!

## ACTIVITY #3

# Pregnancy rights!

### Scenario #1

Lisa is 17 and has just found out she is pregnant to her boyfriend, Patrick. She doesn't feel ready to be a mother and has decided she wants an abortion. She wants to keep it a secret from her parents because she doesn't think they would support her decision. Mum's rights? Dad's rights?

#### *Mum's rights?*

- Lisa has the right not to tell anyone if she gets an abortion (she doesn't have to tell her parents or even her boyfriend)
- Abortions are available at any age and are free
- No one can force her to have an abortion or not to have an abortion
- There are a number of support services available for Lisa
- Lisa's doctor is bound by patient confidentiality, so isn't allowed to tell anyone without her permission

#### *Dad's rights?*

- Patrick doesn't have the right to decide whether or not Lisa has an abortion
- .....

### Scenario #2

Amy is 18 and has just got together with a woman called Melissa. One month after they got together, Amy found out she was pregnant from a one-night stand she had before the relationship started. She doesn't remember who the dad is or have any way of finding out. Mum's rights? Dad's rights?

#### *Mum's rights?*

- Amy has the right to have an abortion, put the child up for adoption, or whāngai the child
- Amy could also decide to keep the baby, and if she does, could choose to put her new partner's name or the name of the father on the birth certificate

#### *Dad's rights?*

- If he never finds out, then he doesn't have any rights or responsibilities
  - If the dad found out that Amy was pregnant, he could talk to her about his name going on the birth certificate
  - If Amy decides to keep the baby and he is not put on the birth certificate, he can apply to the Family Court for a Declaration of Paternity
- .....

*continued...*

### Scenario #3

Lucy is 15 and just found out she is pregnant. She is unsure who the father is but thinks it might be Dan, though she can't be certain. She has decided to keep the baby. Dan is sure it's not his baby and says he won't take any responsibility once it is born. Mum's rights? Dad's rights?

#### *Mum's rights:*

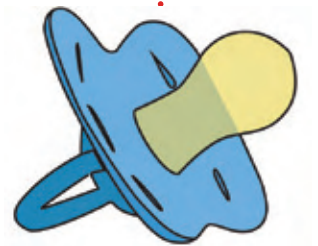
- Lucy has the right to keep the baby, put the child up for adoption or whāngai the child
- Lucy can apply to the Family Court for a Paternity Order and the court can ask him to have a DNA test

#### *Dad's rights:*

- Dan could refuse to have a DNA test, but the court can consider his refusal when deciding whether he is the dad or not
  - Dan could also apply to the Family Court for a Declaration of Paternity to establish that he is not the dad
- .....

### Scenario #4

Anahera and her boyfriend Rhys were both 16 when Anahera found out she was pregnant. She wants to have the baby, and she and Rhys decide that they would like to whāngai (Māori customary adoption) the baby so it is raised by Anahera's mother. Anahera and Rhys have recently turned 20 and decided that they are ready to be the primary caregivers. Mum's rights? Dad's rights?



#### *Mum's rights?*

- Anahera should talk to her mother and her wider whānau
- Anahera can start the process of applying to the Family Court if no agreement can be reached – see The REP: Whānau for more on parenting rights

#### *Dad's rights?*

- Rhys should talk to Anahera's mother and his wider whānau
- Rhys can start the process of applying to the Family Court if no agreement can be reached – see The REP: Whānau for more on parenting rights

## LEGAL NOTES

*Learn this information and integrate it into your facilitation. Don't read it out word for word!*

Note: This section doesn't cover parenting such as who provides day-to-day care or what happens when Mum wants to leave the country but Dad says no. See The REP: Whānau for more on parenting.

Note: If you are a parent, you may be entitled to the Young Parent Payment (YPP) or Sole Parent Support. See The REP: Money for more on benefit entitlements.

### Pregnancy

- This section is about your options if you find out you or your partner is hapū (pregnant).
- Aotearoa has one of the highest rates of teenage pregnancy in the western world, behind the UK and the USA.
- If a person finds out they are hapū, what they decide to do is their choice.
- No one has the right to tell a person whether or not to keep the baby.
- They have a right to keep their baby, to choose foster care or adoption (within some constraints), or to have an abortion.

### Pregnancy support services

- Thrive Teen Parent Support Trust is a not-for-profit organisation supporting teen parents.
  - Website: [www.thrive.org.nz](http://www.thrive.org.nz)
  - Website: [www.pregnancyhelp.org.nz](http://www.pregnancyhelp.org.nz)
- Pregnancy Help Inc provides practical support and advice to prepare teens for parenthood.
  - Website: [www.pregnancyhelp.org.nz](http://www.pregnancyhelp.org.nz)

### Mum's rights

- No matter what age, mums have the right to privacy and confidentiality, including the right not to tell the father or their parents about the pregnancy.
- They also have the right to choose what they want to do with regard to the pregnancy.

### Establishing who the father is (paternity)

- Mum's rights:
  - If the guy says 'I'm not the father' (but the mother thinks he is), she can apply to the Family Court for a Paternity Order and the court can ask him to have a DNA test

- Dad's rights:
  - A man can refuse to have a DNA test, but the court can consider his refusal when deciding whether he is the dad or not (perhaps he is the father but does not want this proven)
  - If a man thinks he is the father (but the mother says he is not), he can apply to the Family Court for a Declaration of Paternity (he can also do this if he thinks he is not the dad)

### Abortion

- If you are thinking about termination, here are some of the important facts:
  - You don't have to tell your parents or your partner
  - You can get an abortion at any age
  - Abortions are free
  - No one can force you to terminate a pregnancy, or not to terminate
- The law sets some limits around when you can and can't have an abortion:
  - The law says you can only have an abortion if there are serious physical or mental/emotional risks involved with your pregnancy
  - Though that is the legal test, in practice, if you want an abortion, you can choose to have one no matter what age you are
  - Only a doctor can authorise and carry out an abortion
  - Doctors will ensure that certain important steps are followed, such as counselling and exploring all of your options

### Adoption

- Adoption means that a child will legally become the child of another set of parents.
- The most common form of adoption is 'open adoption,' where both sets of parents agree that the birth parents can keep in contact with the child.
- Oranga Tamariki have adoption social workers who you can meet with and discuss the process of adoption.
- Birth mothers must consent to adoption, in writing. Until you sign the consent papers, you can change your mind at any time. The birth father's consent is only required if:
  - He was married to you or in a civil union with you any time from when you got pregnant until when the baby was born



- He lives with you as a defacto partner any time from when you got pregnant until when the baby was born
- He has been appointed a guardian of the baby by the court
- The court thinks his consent should be required
- The Family Court can make parenting orders for day-to-day care instead of an adoption order. See The REP: Whānau for more on day-to-day care and contact orders.

## ***Whāngai***

- Within Māori and Pacific Island cultures, the practice of whāngai is very common. It is the tradition of whānau raising other whānau member's children.
- Whāngai is not a legal process, so the main difference between whāngai and adoption is that once the adoption papers have been signed in a formal adoption, adoptive parents have all the legal rights and responsibilities for that tamariki.

## ***Respite care***

- If you keep your child and need respite care for short or long periods, care is available through Oranga Tamariki.

## ***Same-sex couples and having kids***

- Same-sex couples are legally allowed to adopt children in Aotearoa.
- Fertility treatments such as IVF are available to same-sex couples wanting to start a family (and those having fertility problems).
- In Aotearoa, surrogacy is not allowed to be a paid service but must be freely given by a woman. Surrogates can't be paid more than reasonable expenses. And even if the genetics of a baby are that of the intended mother and father, the surrogate is the birth mother and must consent to the adoption of the child after birth.

## SECTION 4

# Sexual Health

WHO YOU  
GONNA  
CALL?



We had unprotected sex.

You have to go to the doctor's!

### ACTIVITY #4 INSTRUCTIONS

- Divide the class into groups and ask each team to come up with a buzzer.
- Go around the groups and get them to trial their team buzzer (loud is good!)
- In each round, read out the statements and the teams have to 'buzz in' with the correct answer.
- The first team to buzz in gets a shot at answering the question. If the answer is wrong, the other teams have a chance to buzz in.
- Keep a tally of which group wins each round.
- The first round is a practice.
- The team with the most points at the end wins chocolate!

## ACTIVITY #4

# Who you gonna call?

### Practice round

If you get crabs... who you gotta call?

**GHOSTBUSTERS.** Nah, but probably the person you gave crabs to.

## ROUND 1: IF YOU FIND OUT YOU HAVE HERPES... WHO YOU GOTTA CALL?

- **Your doctor.** You have an obligation to get treated but don't have any obligation to notify sexual partners of relatively minor and prevalent STIs such as herpes or HPV.
- But it's still a good thing to let sexual partners know.

## ROUND 2: IF YOU GET DIAGNOSED WITH CHLAMYDIA... WHO YOU GOTTA CALL?

- **Your sexual partners.** You are required to notify any sexual partners, so they can get it treated!
- Under the Health Act, it is an offence if you know you have an STI and to have safe sex.

## ROUND 3: YOU HAVE DECIDED YOU NEED CONTRACEPTION! WHO YOU GONNA CALL?

- **Family Planning.**
- **Your GP.**
- **Local health services.**
- It's not illegal to have unprotected sex. But choosing to have safe sex is important! There's no age limit on buying or getting contraception and it's the responsibility of both people to decide what is best for them!

*continued...*

## ROUND 4: IF YOU HAVE HIV/AIDS AND HAVE PROTECTED SEX... WHO YOU GOTTA TELL?

- It is not illegal to keep your HIV status to yourself so long as you have safe sex.
- All people in Aotearoa have a legal duty not to “endanger the life, health or safety of others”. This means that people with HIV must take “reasonable precautions” such as always using condoms, to avoid transmitting HIV (for example, in 1993 Peter Mwai was charged with grievous bodily harm and reckless endangerment for criminally infecting five women with HIV/AIDS).
- A doctor will encourage an HIV-positive person to tell their partner. If they don't want to and the doctor thinks there's a real risk to the partner, the doctor can disclose that person's HIV status. The doctor has to tell their patient what they are doing.

## ROUND 5: IF YOU HAVEN'T BEEN TREATED WELL BY YOUR DOCTOR AND WANT TO MAKE A COMPLAINT... WHO YOU GONNA CALL?

- **Your doctor.** It's best to complain to the health service directly
- If you feel uncomfortable or would like help to complain, you can access help from a **Health and Disability Advocate**. This service is FREE! To contact an Advocate call 0800 555 050.
- **Your local Community Law Centre or YouthLaw.**



## LEGAL NOTES

*Learn this information and integrate it into your facilitation. Don't read it out word for word!*

### Where to go for help

- Visit Family Planning or your GP.
- Learn about local sexual health clinics, student health services, and community health services, so you have the best information on affordable health services for youth in your area.

### Contraception

- It's not illegal to have unprotected sex (it is a myth that a sex worker can be charged for not using a condom).
- But choosing to have safe sex is important!
- There's no age limit on buying or getting contraception (including the Pill and IUDs, not just condoms).
- The Pill, IUDs and other contraceptives are cheap (subsidised) and sometimes free, and free condoms are available in most GPs and health centres.

### STIs: who do you have to tell?

- Under the Health Act, it is an offence if you know you have an STI and do not have safe sex (max penalties: \$1,000 fine or up to one year in prison! Although we don't know of anyone who has been prosecuted).
- For STIs such as chlamydia, gonorrhoea and syphilis you are required to notify your partners, so they can get it treated.
- You are not required to notify your partners for herpes or HPV because they are relatively minor and extremely prevalent in the NZ population (NZ Sexual Health Society, January 2015).
- Of course, plenty of people pass on STIs without knowing, or perhaps even when they do know. Apart from the fact that it's breaking the law, it's not very nice.
- By law, if a person has or thinks they have an STI, they have to get it treated! So you need to get to your doctor quickly.
- You don't have an obligation to tell anyone else (for example, you don't have to tell your parents).

### HIV/AIDS

- HIV/AIDS can be life-threatening and is still a real issue in Aotearoa.
  - Many people who have HIV/AIDS live long lives with the proper support and medication
- It is not illegal to keep your HIV status to yourself so long as you have safe sex. All people in Aotearoa have a legal duty not to "endanger the life, health or safety of

others". This means that HIV infected people must take "reasonable precautions", such as always using condoms to avoid transmitting HIV.

- For example, in 1993, Peter Mwai was charged with grievous bodily harm and reckless endangerment for criminally infecting five women with HIV/AIDS.
- A doctor will encourage an HIV-positive person to tell their partner. If they don't want to and the doctor thinks there's a real risk to the partner, the doctor can disclose that person's HIV status. The doctor has to tell their patient what they are doing.
- A doctor is only allowed to do this if they are sure their patient has HIV/AIDS and they have talked to another doctor to get a second opinion on whether the partner(s) needs to be told.
- The treatment for HIV/AIDS is lifelong medication and the life-span for people taking the medication has greatly increased in the last 20 years.

### Doctor confidentiality

- Doctors are bound by patient confidentiality.
- In almost all circumstances, doctors can't pass on your information to anyone else (for example, parents, teachers, police) without your permission. They have to ask you first, and if you say no, they must not disclose your information.
- There are several main exceptions:
  - If the doctor feels they need to prevent a serious and imminent threat to their patient or someone else's safety
  - If it is a serious disease and their patient is under 16, the doctor may be obliged to tell their parents or the Ministry of Health

### Health and Disability Services Consumer Rights

- If you are getting a medical check-up for any reason, it's important to remember that you have rights about the way doctors and other health professionals treat you under the Code of Health and Disability Services Consumer's Rights.
- You have many rights in this code, including the right to:
  - Respect: this includes respect for your privacy, your culture, values and beliefs
  - Proper standards: services have to be done with care and skill!

- Communication: health service providers need to listen to you and explain what is happening in a way that you can understand
- To make your own decisions: health service providers can only do things you consent to (unless it is an extreme emergency and they think they're acting in your best interests)

## ***Complaints***

- If you think your doctor has treated you badly or unfairly, you can complain.
  - First of all, it's best to complain to the health service directly
  - They may even welcome your complaint as it helps them improve or uncover a problem
  - If you feel uncomfortable or would like help to complain, you can access help from a Health and Disability Advocate – this service is FREE! To contact an Advocate call 0800 555 050
- Remember to visit your local Community Law Centre for advice or contact YouthLaw who may be able to help you as well!

# THANK YOU!



## WRAPPING UP

- Hand out the evaluation forms: make sure everyone fills one in.
- Thank everyone for participating. Find your own way to wrap up the class.
- Remember to link people in with their local Community Law Centre or YouthLaw if needed.
- Follow up on any questions or issues: bring the correct answers to your next class.
- Make sure to pass on any feedback you have about this module to: [info@wclc.org.nz](mailto:info@wclc.org.nz)
- Have a rest!

# Two truths and a lie

## 1. CONSENT

- a. The age of consent to sexual intercourse is 16
- b. The age of consent is 16, unless there is a two-year maximum age gap between the partners
- c. The age of consent for same-sex couples is 16

## 2. HARASSMENT

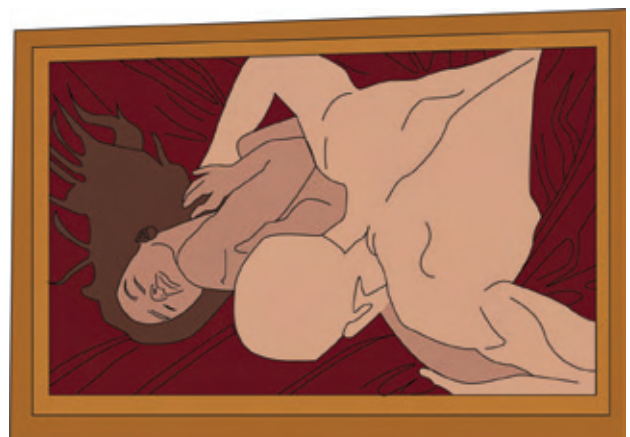
- a. If someone is sexually harassing you and you feel distressed (such as your workmate telling you dirty jokes at work), this is called sexual harassment
- b. If someone is harassing you and trying to scare you (such as following you home after school), this is called criminal harassment
- c. If someone is harassing you, you just have to put up with it

## 3. INDECENT ASSAULT

- a. If someone is wearing a short skirt or low top, they are 'asking for it and it's okay to touch them.
- b. Everyone has the right to wear whatever they want to.
- c. If someone doesn't consent to being kissed or caressed, this is a crime and called 'indecent assault'

## 4. SEXUAL VIOLENCE

- a. Up to one in three girls and one in seven boys will have been subject to unwanted sexual experiences by the time they are 16 years old.
- b. If someone has experienced sexual assault, it's important they tell someone they can trust.
- c. There's nothing you can do if you have been the victim of sexual assault.



# Pregnancy rights!

## SCENARIO #1

Lisa is 17 and has just found out she is pregnant to her boyfriend, Patrick. She doesn't feel ready to be a mother and has decided she wants an abortion. She wants to keep it a secret from her parents because she doesn't think they would support her decision.

**Mum's rights?**

**Dad's rights?**

## SCENARIO #3

Lucy is 15 and just found out she is pregnant. She is unsure who the father is but thinks it might be Dan, though she can't be certain. She has decided to keep the baby. Dan is sure it's not his baby and says he won't take any responsibility once it is born.

**Mum's rights?**

**Dad's rights?**

## SCENARIO #2

Amy is 18 and has just got together with a woman called Melissa. One month after they got together, Amy found out she was pregnant from a one-night stand she had before the relationship started. She doesn't remember who the dad is or have any way of finding out.

**Mum's rights?**

**Dad's rights?**

## SCENARIO #4

Anahera and her boyfriend Rhys were both 16 when Anahera found out she was pregnant. She wants to have the baby, and she and Rhys decide they would like to whāngai (Māori customary adoption) the baby so it is raised by Anahera's mother. Anahera and Rhys have recently turned 20 and decided that they are ready to be the primary caregivers.

**Mum's rights?**

**Dad's rights?**

